

Comments on the Proposed Rule: Implementation of the Satellite Home Viewer Extension and Reauthorization Act (SHVERA) of 2004

I live in Dorchester County, Maryland and have been deeply concerned that Washington, D.C. stations, which I and many others consider local, is not available from satellite providers. Dorchester County is part of the Baltimore Designated Market Area as determined by Nielsen Media Research and current law allows only Baltimore stations to be transmitted as local-to-local signals.

The designation of only Baltimore stations as local is unrealistic and SHVERA hopefully will correct this problem. The addition of Salisbury and Washington stations as local because they are "significantly viewed" by citizens of the County is in agreement with other indicators. For example, Salisbury is the Basic Trading Area and Washington/Baltimore is the Major Trading Area for Dorchester County. Washington/Baltimore is also the Major Economic Area. Furthermore, Salisbury and Washington stations are closer than Baltimore stations and therefore can be viewed by a significant number of people using over-the-air antennas. In addition, anecdotal evidence abounds with many people electing not to subscribe to local programming because Washington stations are not available and one household even refusing to participate in the Nielsen survey because their local programming did not include Washington stations.

An unfortunate aspect of SHVERA from the consumers' perspective is that subscribers are not eligible to receive "significantly viewed" stations as part of their local programming unless they subscribe to "local" stations. I am afraid that satellite providers may not combine "significantly viewed" and "local" stations into one local programming package. But instead they will offer a basic local package and, at added cost, an expanded local package which includes "significantly viewed" stations. This discriminates against consumers who consider "significantly viewed" stations as their local stations because they will have to pay more for local programming.

I do not believe this was the intent of Congress. **The eligibility provision was added "to protect and promote localism"(Barton Floor Statement) and not to increase profits for satellite providers. The comments by Representatives in House Report, Oct. 6, 2004 clearly indicate that "significantly viewed" stations are considered local and there is nothing to suggest that they should be treated differently. For example, Representative Gonzalez of Texas states that " . . . the act will protect consumers and foster localism by ensuring that satellite customers receive *all* of their local broadcast signals when these signals become available via satellite."**

I urge you to add language to the Proposed Rule which will make certain that local stations as determined by the Commission (i.e., "significantly viewed") and local stations as determined by Nielsen Media (i.e., Designated Market Area) will be treated as equals. Such language is necessary to make certain the intent of Congress is followed.